

# HOUSE JOURNAL

## OF THE

# IDAHO LEGISLATURE

FIRST REGULAR SESSION  
SIXTY-THIRD LEGISLATURE

**THIRTY-SIXTH LEGISLATIVE DAY  
MONDAY, FEBRUARY 16, 2015**

House of Representatives

The House convened at 10 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Riley Ricks, Page.

### 3RD ORDER Approval of Journal

February 16, 2015

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-third Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Gannon. Report adopted.

At this time, the Speaker put the House at ease.

### MEMORIAL PROGRAM

Opening Remarks ..... Representative Kelley Packer

Elaina Farris on Piano and Amanda Hagerman on Violin  
(Great-granddaughters of Rep. Doyle C. Miner)

### "Oh Beautiful For Spacious Skies"

by Samuel A. Ward, arranged by Bonnie Heidenreich

### Presentation of Memorials

Melvin M. Richardson..... Representative Tom Loertscher  
Ralph M. Wheeler ..... Representative Ken Andrus  
Steve Antone..... Representative Maxine Bell  
Samuel Eismann ..... Representative Lynn Luker  
Millie Flandro ..... Representative Elaine Smith  
Frank W. Hirschi..... Representative Marc Gibbs

Elaina Farris on Piano and Amanda Hagerman on Violin  
**"Come Thou Fount of Every Blessing"**  
lyrics by Robert Robinson and music by John Wyeth

June E. Judd..... Representative John Rusche  
Maynard M. Miller ..... Representative Caroline Troy  
Doyle C. Miner ..... Senator Fred S. Martin  
(son-in-law of Representative Doyle C. Miner)  
F. Edward Osborne ..... Representative Thomas Dayley  
Herman Steger ..... Representative James Holtzclaw

### "Here We Have Idaho"

\*\*\*\*\*

### A House Memorial

WHEREAS, Representative Melvin M. Richardson has passed on since the close of Second Regular Session of the Sixty-second Idaho Legislature; and

WHEREAS, the late Representative Melvin M. Richardson served in this House, in the interest of District 32, covering the years 1989 through 1992.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixty-third Legislature draw public attention by this Memorial to the life and works of Melvin M. Richardson.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixty-third Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Richardson family.

Representative Thomas F. Loertscher paid tribute to the former Representative Melvin M. Richardson.

\*\*\*\*\*

### A House Memorial

WHEREAS, Representative Ralph M. Wheeler has passed on since the close of Second Regular Session of the Sixty-second Idaho Legislature; and

WHEREAS, the late Representative Ralph M. Wheeler served in this House, in the interest of District 35, covering the years 1973 through 1976.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixty-third Legislature draw public attention by this Memorial to the life and works of Ralph M. Wheeler.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixty-third Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Wheeler family.

Representative Ken Andrus paid tribute to the former Representative Ralph M. Wheeler.

\*\*\*\*\*

### A House Memorial

WHEREAS, Representative Steve Antone has passed on since the close of Second Regular Session of the Sixty-second Idaho Legislature; and

WHEREAS, the late Representative Steve Antone served in this House, in the interest of District 21 and District 24, covering the years 1969 through 1992.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixty-third Legislature draw public attention by this Memorial to the life and works of Steve Antone.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixty-third Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Antone family.

Representative Maxine T. Bell paid tribute to the former Representative Steve Antone.

\*\*\*\*\*

#### **A House Memorial**

WHEREAS, Representative Samuel Eismann has passed on since the close of Second Regular Session of the Sixty-second Idaho Legislature; and

WHEREAS, the late Representative Samuel Eismann served in this House, in the interest of District 11, covering the years 1967 through 1968.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixty-third Legislature draw public attention by this Memorial to the life and works of Samuel Eismann.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixty-third Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Eismann family.

Representative Lynn M. Luker paid tribute to the former Representative Samuel Eismann.

\*\*\*\*\*

#### **A House Memorial**

WHEREAS, Representative Millie Flandro has passed on since the close of Second Regular Session of the Sixty-second Idaho Legislature; and

WHEREAS, the late Representative Millie Flandro served in this House, in the interest of District 27 and District 33, covering the years 1991 through 1996.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixty-third Legislature draw public attention by this Memorial to the life and works of Millie Flandro.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixty-third Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Flandro family.

Representative Elaine Smith paid tribute to the former Representative Millie Flandro.

\*\*\*\*\*

#### **A House Memorial**

WHEREAS, Representative Frank W. Hirschi has passed on since the close of Second Regular Session of the Sixty-second Idaho Legislature; and

WHEREAS, the late Representative Frank W. Hirschi served in this House, in the interest of Bear Lake County, covering the years 1961 through 1966.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixty-third Legislature draw public attention by this Memorial to the life and works of Frank W. Hirschi.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixty-third Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Hirschi family.

Representative Marc Gibbs paid tribute to the former Representative Frank W. Hirschi.

\*\*\*\*\*

#### **A House Memorial**

WHEREAS, Representative June E. Judd has passed on since the close of Second Regular Session of the Sixty-second Idaho Legislature; and

WHEREAS, the late Representative June E. Judd served in this House, in the interest of District 3 and District 7, covering the years 1991 through 2000.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixty-third Legislature draw public attention by this Memorial to the life and works of June E. Judd.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixty-third Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Judd family.

Representative John Rusche paid tribute to the former Representative June E. Judd.

\*\*\*\*\*

#### **A House Memorial**

WHEREAS, Representative Maynard M. Miller has passed on since the close of Second Regular Session of the Sixty-second Idaho Legislature; and

WHEREAS, the late Representative Maynard M. Miller served in this House, in the interest of District 5, covering the years 1993 through 1998.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixty-third Legislature draw public attention by this Memorial to the life and works of Maynard M. Miller.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixty-third Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Miller family.

Representative Caroline Troy paid tribute to the former Representative Maynard M. Miller.

\*\*\*\*\*

#### **A House Memorial**

WHEREAS, Representative Doyle C. Miner has passed on since the close of Second Regular Session of the Sixty-second Idaho Legislature; and

WHEREAS, the late Representative Doyle C. Miner served in this House, in the interest of District 28, covering the years 1973 through 1980.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixty-third Legislature draw public attention by this Memorial to the life and works of Doyle C. Miner.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixty-third Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Miner family.

Senator Fred S. Martin paid tribute to the former Representative Doyle C. Miner.

\*\*\*\*\*

#### **A House Memorial**

WHEREAS, Representative F. Edward Osborne has passed on since the close of Second Regular Session of the Sixty-second Idaho Legislature; and

WHEREAS, the late Representative F. Edward Osborne served in this House, in the interest of District 17, covering the years 1989 through 1990.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixty-third Legislature draw public attention by this Memorial to the life and works of F. Edward Osborne.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixty-third Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Osborne family.

Representative Thomas Dayley paid tribute to the former Representative F. Edward Osborne.

\*\*\*\*\*

#### **A House Memorial**

WHEREAS, Representative Herman Steger has passed on since the close of Second Regular Session of the Sixty-second Idaho Legislature; and

WHEREAS, the late Representative Herman Steger served in this House, in the interest of District 18, covering the years 1987 through 1992.

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the Sixty-third Legislature draw public attention by this Memorial to the life and works of Herman Steger.

BE IT FURTHER RESOLVED that the House of Representatives of the Sixty-third Idaho Legislature extend to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby instructed to spread this Memorial upon the Journal of the House, and to forward copies to the members of the Steger family.

Representative James Holtzclaw paid tribute to the former Representative Herman Steger.

\*\*\*\*\*

Prior to going at ease, the House was at the Third Order of Business.

#### **4TH ORDER Consideration of Messages from the Governor and the Senate**

February 13, 2015

Mr. Speaker:

I return herewith enrolled [H 16](#) which has been signed by the President.

NOVAK, Secretary

Enrolled [H 16](#) was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

#### **5TH ORDER Report of Standing Committees**

February 16, 2015

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 127](#), [H 128](#), [H 129](#), [H 130](#), [H 131](#), and [H 132](#).

WILLS, Chairman

[H 127](#) was referred to the Local Government Committee.

[H 128](#) was referred to the State Affairs Committee.

[H 129](#), [H 130](#), [H 131](#), and [H 132](#) were referred to the Transportation and Defense Committee.

February 16, 2015

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 21](#) and [H 22](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 21](#) and [H 22](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 16, 2015

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 27](#) and [H 28](#) to the Governor at 11:08 a.m., as of this date, February 13, 2015.

WILLS, Chairman

February 13, 2015

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 109](#) and recommend that it do pass.

COLLINS, Chairman

[H 109](#) was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

### 8TH ORDER

#### Introduction, First Reading, and Reference of Bills and Joint Resolutions

#### HOUSE BILL NO. 133 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO INCOME TAX; AMENDING SECTION 63-3022H, IDAHO CODE, TO ESTABLISH ADDITIONAL PROVISIONS RELATING TO A CAPITAL GAINS DEDUCTION.

#### HOUSE BILL NO. 134 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO TAXATION OF ENERGY SYSTEMS USING SOLAR ENERGY; AMENDING SECTION 63-3501, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-3502B, IDAHO CODE, TO PROVIDE FOR THE LEVY OF TAX ON SOLAR ENERGY ELECTRICAL PRODUCTION; AMENDING SECTION 63-3503B, IDAHO CODE, TO PROVIDE FOR FILING OPERATORS' STATEMENTS AND FOR THE ALLOTMENT AND APPORTIONMENT OF TAX DUE FROM PRODUCERS OF ELECTRICITY BY MEANS OF SOLAR ENERGY BY THE STATE TAX COMMISSION; AMENDING SECTIONS 63-3504, 63-3505 AND 63-3506, IDAHO CODE, TO PROVIDE REFERENCE TO A PRODUCER OF ELECTRICITY BY MEANS OF SOLAR ENERGY; AND AMENDING SECTION 63-602JJ, IDAHO CODE, TO PROVIDE A PROPERTY TAX EXEMPTION FOR CERTAIN OPERATING PROPERTY OF PRODUCERS OF ELECTRICITY BY MEANS OF SOLAR ENERGY.

#### HOUSE BILL NO. 135 BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE AN ACT

RELATING TO THE IDAHO PRISONER LITIGATION REFORM ACT; AMENDING TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 59, TITLE 19, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE APPLICABILITY, TO DEFINE TERMS, TO PROVIDE THAT THE DEPARTMENT OR SHERIFF SHALL ADOPT ADMINISTRATIVE REMEDIES, TO PROVIDE FOR CIVIL ACTIONS BY A PRISONER, TO PROVIDE LIMITATIONS FOR CIVIL ACTIONS BY A PRISONER, TO PROVIDE FOR A PRISONER SEEKING IN FORMA PAUPERIS STATUS, TO PROVIDE FOR ACTIONS WHERE THE DEFENDANT IS THE STATE OF IDAHO, TO PROVIDE FOR COURTROOM PROCEDURES FOR PRISONER LITIGATION, TO PROVIDE THAT PRISONER RECORDS ARE PROPERTY OF THE DEPARTMENT OR SHERIFF, TO AUTHORIZE AN ATTORNEY FOR A DEFENDANT

OR RESPONDENT TO REVIEW PRISONER RECORDS, TO PROVIDE FOR HOW DAMAGES MAY BE AWARDED AND TO PROVIDE SEVERABILITY.

#### HOUSE BILL NO. 136 BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE AN ACT

RELATING TO COUNTY JAILS; AMENDING SECTION 20-237A, IDAHO CODE, TO PROVIDE FUNDING FOR CERTAIN PROBATIONERS AND PAROLEES COMMITTED TO A COUNTY JAIL.

#### HOUSE BILL NO. 137 BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1303, IDAHO CODE, TO PROVIDE THAT CERTAIN DEPUTY SHERIFFS AND CITY POLICE OFFICERS WHO ACT IN A SUPERVISORY CAPACITY SHALL NOT LOSE THEIR PEACE OFFICER STATUS AND TO MAKE TECHNICAL CORRECTIONS.

#### HOUSE BILL NO. 138 BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE AN ACT

RELATING TO COUNTY JAILS; REPEALING SECTION 20-609, IDAHO CODE, RELATING TO REMOVAL OF PRISONERS IN CASE OF PESTILENCE; AND REPEALING SECTION 20-626, IDAHO CODE, RELATING TO EXPENSES OF REMOVAL.

#### HOUSE BILL NO. 139 BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE AN ACT

RELATING TO CRIMINAL PROCEDURE; REPEALING SECTION 19-303, IDAHO CODE, RELATING TO FIGHTING DUELS OUT OF THE STATE.

#### HOUSE BILL NO. 140 BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE AN ACT

RELATING TO NO CONTACT ORDERS; AMENDING SECTION 18-920, IDAHO CODE, TO REVISE A PROVISION RELATING TO THE ISSUANCE OF A NO CONTACT ORDER, TO PROVIDE THAT THE ORDER SHALL DEFINE PROHIBITED CONDUCT, TO PROVIDE THAT THE ORDER SHALL BE SERVED ON THE DEFENDANT PRIOR TO ENFORCEMENT AND TO REVISE PROVISIONS RELATING TO WHEN A VIOLATION OF A NO CONTACT ORDER IS COMMITTED.

[H 133](#), [H 134](#), [H 135](#), [H 136](#), [H 137](#), [H 138](#), [H 139](#), and [H 140](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

**10TH ORDER****Second Reading of Bills and Joint Resolutions**

[H 39](#) and [H 75](#), by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

[H 68](#), by Local Government Committee, was read the second time by title and filed for third reading.

[H 69](#) and [H 70](#), by Transportation and Defense Committee, were read the second time by title and filed for third reading.

**11TH ORDER****Third Reading of Bills and Joint Resolutions****[H 61](#) - JUVENILE CORRECTIONS**

[H 61](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Perry to open debate.

The question being, "Shall [H 61](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen, Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 70.

NAYS – None.

Whereupon the Speaker declared that [H 61](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

**[H 62](#) - VICTIM RESTITUTION**

[H 62](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Scott to open debate.

The question being, "Shall [H 62](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen, Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 69.

NAYS – Nye. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 62](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

**[H 64](#) - IMPRISONMENT**

[H 64](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nye to open debate.

The question being, "Shall [H 64](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen, Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 69.

NAYS – None.

Absent – Malek. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 64](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bill on the Third Reading Calendar retain its place for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

**16TH ORDER  
Adjournment**

Mr. Moyle moved that the House adjourn until 10 a.m., Tuesday, February 17, 2015. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:38 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk